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INFO RUEHKA/AMEMBASSY DHAKA PRIORITY 2205
RUEHBUL/AMEMBASSY KABUL PRIORITY 7458
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 1624
RUEHKP/AMCONSUL KARACHI PRIORITY 7153
RUEHLH/AMCONSUL LAHORE PRIORITY 3238
RUEHPW/AMCONSUL PESHAWAR PRIORITY 1674
RUEHNO/USMISSION USNATO PRIORITY 2864
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RUEKJCS/JOINT STAFF WASHINGTON DC PRIORITY
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SUBJECT: PAKISTAN: A DAY AFTER THE NAWAZ VERDICT

REF: ISLAMABAD 3692

Classified By: Charge Peter Bodde, for reasons 1.4 (b), (d)

¶1. (SBU) The Supreme Court's August 23 ruling in favor of former Prime Minister Nawaz Sharif has been lauded by Nawaz supporters and opposition parties as another sign of an independent judiciary standing up for democratic rights. People celebrated in the streets in Islamabad and in other Punjabi cities after the announcement of the verdict. There have been no large-scale demonstrations or street movements following initial public celebrations; Islamabad and all other major cities remain quiet.

¶2. (SBU) The court released a very short order citing the right of freedom of movement under Article 15 of the Pakistani constitution. Its language cites a Pakistani citizen's "inalienable right to enter and remain in (the) country" and notes that their return "shall not be restrained, hampered, or obstructed by the Federal or Provincial Government Agencies". The court is expected to release a longer decision explaining its legal stance in a few weeks. The short verdict makes no mention of any other legal cases pending against Nawaz Sharif nor does it cite any of his previous convictions in Pakistani courts. Attorney General Malik Qayyum has accepted the court's decision and reaffirmed that no law restricts Nawaz Sharif's return to Pakistan. However, he has publicly said the court decision nullifies the exile deal that the government made with Sharif in 2000 and thus does not restrict the government from imposing past convictions or sentences. (Note: Nawaz Sharif was convicted in 2000 on various charges, including corruption and terrorism, for which he received a life sentence. End Note.)

¶3. (C) Both President Musharraf and Nawaz Sharif have publicly called for political reconciliation. Musharraf in a televised interview, said that there is a need to forgive and forget the past and reconcile politically with Nawaz Sharif for greater national interests. Nawaz Sharif has also said he is open to reconciliation but only if President Musharraf makes clear that he is not a candidate for any political position in upcoming elections. All the major opposition political party leaders -- including Benazir Bhutto, heads of religious parties, and the nationalists -- have publicly welcomed the Supreme Court's decision. The key question remains when will Nawaz Sharif return. Sharif has expressly

not stated a date. His party leaders are calling for his early return in order to challenge President Musharraf's bid for re-election under the current assemblies (which could take place as early as September 15). Sharif has only said that he will be back in Pakistan before the general elections.

14. (C) Comment: Opposition parties are welcoming the Supreme Court decision with open arms, declaring it a another victory for an independent judiciary, despite the fact that rumors of deals and accommodations with the government continue to abound. Sharif's tentative statements about the date of his return suggest he may be open to some sort of reconciliation with President Musharraf. If Sharif comes back to Pakistan after the presidential elections, he will be able to lead his party in general elections while avoiding a direct challenge to Musharraf's presidential re-election. Sharif's calculated decision on when to return will determine how his party approaches both the presidential and national elections. End Comment.

BODDE